

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 MUR 6103) CASE CLOSURE UNDER THE
 SINGH FOR CONGRESS 2008, INC.) ENFORCEMENT PRIORITY
 AND TIMOTHY J. DAVIS, AS TREASURER) SYSTEM

GENERAL COUNSEL'S REPORT

Under the Enforcement Priority System, matters that are low-rated

are

forwarded to the Commission with a recommendation for dismissal. The Commission has determined that pursuing low-rated matters compared to other higher-rated matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to dismiss these cases. The Office of General Counsel scored MUR 6103 as a low-rated matter.

In this matter, the complainant, Tauby Lynn Ross, makes a number of allegations against Singh for Congress 2008, Inc., and Timothy J. Davis, in his official capacity as treasurer ("the Committee"), the campaign committee of Navraj Singh.¹ First, according to the complainant, the Committee failed to file its 2008 October Quarterly Report, which was due on October 15, 2008, in violation of 2 U.S.C. § 434(a)(2)(A). The complainant asserts that the Committee was required to file the report, as Mr. Singh was "carrying on an active and expensive campaign," and encloses in the complaint what is described as a "district-wide [undated] mailer," apparently disseminated by the Singh campaign. In addition, the complainant states that the mailer does not disclose the Committee's "FEC number," nor does it include a disclaimer stating that it was paid for by the Committee, with the latter information set apart in a printed box, as required under 2 U.S.C. §§ 441d(a)(1) and (c)(2).

¹ Mr. Singh was an unsuccessful candidate for California's 27th Congressional District. FEC records disclose that he raised less than \$28,000 and, according to California's Secretary of State, received approximately 25% of votes cast during the general election. See <http://vote2008.sos.ca.gov/Returns/unrep/2759.htm>

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1 Second, the complainant asserts that the Committee's website, two pages of which were
2 included with the complaint, fails to disclose information describing the Committee's "best
3 efforts" reporting obligations and does not set forth federal prohibitions against contributions
4 from corporations, labor unions, banks, foreign nationals, federal contractors, and persons who
5 make contributions using the funds of others. Further, the complainant claims that the
6 Committee, through its website, sought contributions but did not request information concerning
7 potential contributors' occupations and the names of their employers. Finally, according to the
8 complainant, the website failed to disclose the Committee's "FEC number" and does not include
9 a disclaimer stating that it was paid for by the Committee, pursuant to 2 U.S.C. § 441d(a)(1).

10 The Committee did not file a response.² Nevertheless, according to FEC records, the
11 Committee filed its 2008 October Quarterly Report on October 25, 2008, after being contacted
12 by the Reports Analysis Division. In addition, a review of the material provided with the
13 complaint indicates that some information identifying the Committee was included—"Singh for
14 Congress 2008" on the mailer and <http://222.singhforcongress.2008.com/contribute/index.html>
15 on the pages printed from the Committee's website. The staff was unable to access the
16 Committee's website, which has apparently been taken down.

17 In light of the remedial action taken by the Committee with respect to its disclosure
18 report, coupled with the partial identifying information included with its mailer and website, and
19 in furtherance of the Commission's priorities and resources relative to other matters pending on
20 the Enforcement docket, the Office of General Counsel believes that the Commission should
21 exercise its prosecutorial discretion and dismiss the matter. *See Heckler v. Chaney*, 470 U.S. 821
22 (1985). Additionally, this Office intends on reminding the Committee and its treasurer, in his
23 official capacity, of the Committee's obligation to file timely disclosure reports, affix appropriate

² On August 19, 2009, this Office contacted Timothy J. Davis, the Committee's treasurer. Mr. Davis said that he thought he had responded to the complaint, and that he would review the file and get back in touch with the Office. To date, there has been no further response from the Committee.

disclaimers to its campaign mailers and solicitations, and take steps to ensure that it obtains the necessary contributor information when it solicits contributions.


RECOMMENDATION

The Office of General Counsel recommends that the Commission dismiss MUR 6103 as to Singh for Congress 2008, Inc. and Timothy J. Davis, in his official capacity as treasurer, close the file, and approve the appropriate letters.

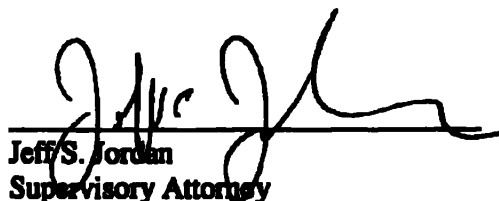
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